

Message Text

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PAGE 01 MILAN 00255 171326Z
ACTION EUR-12

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UNCLAS MILAN 0255

EO 11652: NA
TAGS: ASIG AFSP AORG AFIA
SUBJECT: EVALUATION OF OFFICE OF LEGAL ADVISER

REF: A. STATE 0255260; B. MILAN 0188

1. AS OUR CONTRIBUTION TO EVALUATION OF OFFICE OF
LEGAL ADVISER(REFTEL) WE SUBMIT THE FOLLOWING:

A. WE HAVE NOT HAD OCCASION TO DEAL WITH LEGAL
ADVISER DIRECTLY THOUGH FBO HAS DONE SO ON OUR BEHALF
BY LETTING WITH DRAFT CONTRACT FOR CONSTRUCTION
OF OUR NEW CONSULATE BUILDING. IN THAT INSTANCE LEGAL
ADVISER COMPLETD WORK FAIRLY SPEEDILY.

B. OUR MOST COMMON LEGAL PROBLEMS CONCERN OUR
PROPERTY RENTAL CONTRACTS AND CONTRACT FOR CONSTRUCTION
OF NEW CONSULATE.

C. WE DO HAVE LOCAL LEGAL ASSISTANCE FROM BILINGUAL
ITALIAN LAWYER TRAINED IN US AND BELONGING TO WASHINGTON, DC
AND OHIO BARS. WE INITIALLY HIRED LAWYER TO HELP US NEGOTIATE
RENTAL CONTRACTS AND HE HAS SAVED US LITERALLY
THOUSANDS OF DOLLARS BY KEEPING LANDLORDS WITHIN
LIMITS OF ITALIAN RENT CONTROL LAWS THAT ARE HIGHLY
FAVORABLE TO SITTING TENANTS BUT WHICH LANDLORDS
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ROUTINELY DISREGARD IF THEY CAN GET AWAY WITH IT.
WE ALSO HAVE LOCAL EMPLOYEE (FSL-4 POLITICAL SPECIALIST)
WHO IS LAW SCHOOL GRADUATE. SHE GIVES US LESS FORMAL
LEGAL ADVICE THAT HAS BEEN HIGHLY USEFUL.

D. ALMOST ALL OUR LEGAL PROBLEMS DEMAND KNOWLEDGE
OF ITALIAN DOMESTIC LAW. THEREFORE, THEY FALL OUTSIDE

WHAT WE UNDERSTAND LEGAL ADVISERS COMPETENCE TO BE
AND REQUIRE INSTEAD LAWYER WHO PRACTICES LAW IN ITALY.
WE FEELSTRONGLY THAT MISSION WITH OUR PROPERTIES AND
RANGE OF INTERESTS NEEDS PROFESSIONAL LEGAL SERVICES.
ALTERNATIVE IS SERIES OF AD HOC, SEAT-OF-THE PANTS
SOLUTIONS TO LEGAL PROBLEMS THAT ARE OFTEN COMPLEX AND
ESOTERIC. PAST FAILURE TO ENGAGE QUALIFIED LEGAL
CONSEL TO HANDLE USG RENTAL PROBLEMS HERE WAS VERY
COSTLY ERROR FOR WHICH WE ARE STILL PAYING IN UNNECESSARILY
HIGH RENTS. THAT IS WHY WE NOW RETAIN LAWYER WHOM
WE HAVE JUST REQUESTED AUTHORITY FROM DEPARTMENT TO
CONTINUE TO PAY (REF B).FINA

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